

Notice of Allowability

Application No.

10/067,390

Examiner

Courtney D. Fields

Applicant(s)

MAHLAB ET AL.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 June 2006.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 18 January 2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with 05 September 2006 on Attorney Ronni S. Jillions.

The application has been amended as follows:

Please remove the underscore between the word "device" and the word "and" within the claim:

10. (Previously Presented) A decryption device for decrypting an optical signal encrypted by the encryption device according to Claim 6, the decryption device being capable of causing controlled compensation of chromatic dispersion introduced into said signal by the encryption device [_] and comprising a variable dispersion compensation module inserted in said optical fiber communication link at its receiving data.

DETAILED ACTION

2. Claims 1-4 and 11 have been amended.
3. Claims 1-19 are pending.

Information Disclosure Statement

4. The Information Disclosure Statement respectfully submitted on 18 January 2006 has been considered by the Examiner.

Response to Arguments

5. Applicant's arguments filed 28 December 2005 have been fully considered and they are persuasive.

Allowable Subject Matter

6. **Claims 1-19** are allowed.

7. The following is an examiner's statement of reasons for allowance: The present invention is directed toward a method and system for encrypting signals to be transmitted via optical communication lines causing controlled chromatic dispersion of the signal. Each independent claim identifies the uniquely distinct features **"encrypting an optical signal via an optical fiber communication link, causing controlled chromatic dispersion, by means of controlled change of dispersion within an optical fiber communication link and inserting a variable dispersion compensation module within the link"**. The closest prior art, Francois et al. (US Patent No. 6,018,582) discloses an optical transmission system that encrypts information carrying signals by deterministic chaos. However, Francois et al. fails to disclose chromatic dispersion within an optical signal, optical fiber communication, and inserting a variable dispersion compensation module. The closest prior art, Fontana et al. (US Patent No. 5,570,438) discloses a high-transmission speed optical fiber communication means for transmitting pulsed signals within a chromatic dispersion. However, Fontana et al. fails to disclose an optical fiber communication link with the aid of inserting a variable dispersion compensation module. Therefore, neither, Francois et

al. nor Fontana et al., either singularly or in combination, anticipate or render the above underlined limitations obvious.

8. Claims **1,6, and 11** and the respective **dependent claims 2-5,7-10, and 12-19** are in condition for allowance.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


cdf

September 1, 2006

Matthew R. Smithers
Matthew Smithers
Primary Examiner
Art Unit 2137